

SENATE BILL 2600
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 36,
Chapter 3, relative to the solemnization of
marriages.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-3-301, is amended by deleting the current language in its entirety and by substituting instead the following:

(a) All regular ministers, preachers, pastors, priests, rabbis and other spiritual leaders of every religious belief, more than eighteen (18) years of age, having the care of souls and otherwise meeting the requirements of this subsection, may solemnize the rite of matrimony in any county of this state.

(1) In order to solemnize the rite of matrimony, any minister, preacher, pastor, priest, rabbi or other spiritual leader must be ordained or otherwise designated in conformity with the customs of a church, temple, or other religious group or organization; and such customs must provide for such ordination or designation by a considered, deliberate, and responsible act. In addition, any such minister, preacher, pastor, priest, rabbi or other spiritual leader must present to the county clerk written proof of ordination by the religious organization for which he or she serves as spiritual leader, written proof that he or she is serving as a regularly appointed minister, preacher, pastor, priest, rabbi or spiritual leader for a specific congregation located in this state, and written proof that the religious organization authorizes the person to celebrate the rites of matrimony on behalf of that religious organization.

(2) In addition to any written proof specified by this subsection, a county clerk may use reasonable discretion in requiring any person to furnish any other evidence of that person's legal authority to solemnize the rite of matrimony if the clerk deems such evidence necessary to ascertain whether the person has such legal authority.

(3) The county clerk shall issue a certificate authorizing a person to solemnize marriages pursuant to this subsection after such person has provided proof of legal authority pursuant to this subsection, provided that such certificate shall be valid for no longer than one (1) year and must be renewed annually by the presentation of current written proof to the county clerk. Any such certificate is only valid for marriages performed within that county, but a person may apply for a certificate from any county clerk of this state.

(4) The traditional marriage rite of the Religious Society of Friends (Quakers), whereby the parties simply pledge their vows one to another in the presence of the congregation, constitutes an equally effective solemnization. Any congregation of the Religious Society of Friends may be granted a certificate authorizing the entire congregation to solemnize marriages pursuant to subdivision (3).

(b) All members of county legislative bodies, county mayors, all judges including general sessions judges, chancellors, former chancellors and former judges of this state, former county executives or county mayors of this state, former members of quarterly county courts or county commissions, the governor, the speaker of the senate and former speakers of the senate, the speaker of the house of representatives and former speakers of the house of representatives, the county clerk of each county and the mayor of any municipality in the state, who otherwise meet the requirements of this subsection,

are authorized to solemnize the rite of matrimony in any county of this state. For the purposes of this subsection, the several judges of the United States courts, including United States magistrates and United States bankruptcy judges, who are citizens of Tennessee are deemed to be judges of this state, and “retired judges of this state” is construed to include persons who served as judges of any municipal or county court in any county that has adopted a metropolitan form of government and persons who served as county judges (judges of the quarterly county court) prior to the 1978 constitutional amendments. Notwithstanding the foregoing, a person who has been convicted of a felony or who has been removed from office shall not be authorized to solemnize the rite of matrimony pursuant to this subsection.

(1) In order to solemnize the rite of matrimony pursuant to this subsection, a person must present written proof of such person’s official capacity or former official capacity to the county clerk.

(2) In addition to any written proof specified by this subsection, a county clerk may use reasonable discretion in requiring any person to furnish any other evidence of that person’s legal authority to solemnize the rite of matrimony if the clerk deems such evidence necessary to ascertain whether the person has such legal authority.

(3) The county clerk shall issue a certificate authorizing a person to solemnize the rite of matrimony pursuant to this subsection after such person has provided such proof, provided that such certificate shall be valid for no longer than one (1) year and must be renewed annually by the presentation of current written proof to the county clerk. Any such certificate is only valid for marriages performed within that county, but a person may apply for a certificate from any county clerk of this state.

(4) Any gratuity received by a county mayor, county clerk or municipal mayor for the solemnization of a marriage, whether performed during or after such person's regular working hours, shall be retained by such person as personal remuneration for such services, in addition to any other sources of compensation such person might receive, and such gratuity shall not be paid into the county general fund or the treasury of such municipality.

(c) If any marriage has been entered into by license issued pursuant to this chapter at which any person officiated before July 1, 2006, such marriage shall not be invalid because the requirements of this section have not been met.

(d) Any person who is not authorized to perform the rite of matrimony pursuant to this section, or who has not obtained a certificate to perform the rite of matrimony pursuant to this section, and who knowingly performs such ceremony, commits a class B misdemeanor.

SECTION 2. This act shall take effect July 1, 2006, the public welfare requiring it.